

Applic. No. 10/662,631

Amdt. dated September 2, 2004

Reply to Office action of June 3, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-9 remain in the application. Claims 7-9 have been withdrawn from consideration.

In item 4 on page 2 of the Office action, claims 1-3 have been rejected as being fully anticipated by Dinkler (U.S. Patent No. 732,620) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the closure device, upon being actuated for establishing a connection between the first opening and the container, first establishing a communicating connection between the second

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opening and the container and only then establishing the connection between the first opening and the container.

The Dinkler reference discloses a dispensing container for a viscid liquid, the container includes a faucet (9) disposed in the lower region of the container. The viscid liquid does not easily run out of the open faucet (9). Therefore, compressed air is provided at the top of the container by a pump (8) disposed on the top of the container. A vent that is connected to the faucet (9) releases the pressure in the container when the faucet is in the closed position. The vent is controlled by the position of a turn plug (15), which is disposed in a valve seat (14) (Figs 3 and 4).

Fig 3. of Dinkler shows the open position of the faucet (9). In the open position, the liquid contained in the container (1) can run out of the faucet (9) through a transverse opening (17) in the turn plug (15). In order to increase the flow, an overpressure can be created by the air pump (8) in the container (1). After the liquid has been removed, the faucet is brought into the closed position shown in Fig. 4. In the closed position the transverse opening (17) is positioned perpendicular to the position shown in Fig. 3, thereby stopping the flow of liquid. In the closed position of the faucet (9) a transverse aperture (23) of the turn plug is

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aligned with a vent pipe (19), which extends to the pressurized area at the top of the container (1) for releasing the pressure in the container (1) out of the faucet (9).

The reference does not show the closure device, upon being actuated for establishing a connection between the first opening and the container, first establishing a communicating connection between the second opening and the container and only then establishing the connection between the first opening and the container, as recited in claim 1 of the instant application.

The Dinkler reference discloses that the ventilation device is open when the faucet is closed. The Dinkler reference does not disclose that the faucet (9) and the vent pipe (19) are closed at the same time prior to the opening of the faucet (9). This is contrary to the invention of the instant application as claimed, which due to the limitation that upon being actuated for establishing a connection between the first opening and the container, first establishing a communicating connection between the second opening and the container and only then establishing the connection between the first opening and the container, implicitly includes the limitation that initially there is no connection between the second opening and the container. This is true because, otherwise

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the connection between the second opening and the container could not be established as it would already be present and would be interrupted by the activation of the closing device.

Since claim 1 is believed to be allowable over Dinkler, dependent claims 2 and 3 are believed to be allowable over Dinkler as well.

It is appreciatively noted from item 5 on page 3 of the Office action, that claims 4-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted;

  
For Applicant(s)

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